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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Noriyuki Fukuyama

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EXAMINER

LY, ANH VU H


ART UNIT

PAPER NUMBER

2667

DATE MAILED: 04/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/520,810	Applicant(s) FUKUYAMA ET AL. 	
	Examiner Anh-Vu H Ly	Art Unit 2667	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 27 September 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,2,4-27,29,31,33,34,36 and 37 is/are allowed.
- 6) ☒ Claim(s) 3,28,30,32 and 35 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

1. This communication is in response to applicant's amendment filed September 29, 2004.  
Claims 1-37 are pending.

### ***Claim Objections***

2. Claims 28-30, 32, 34, 36, and 37 are objected to because of the following informalities:

With respect to claims 28, 30, and 32, in line 10, "command to the user selected predetermined packet-switched multimedia phone" is unclear.

With respect to claim 29, in line 10, "phone function control command" should be changed to - phone call function control command- -.

With respect to claims 34, 36, and 37, in lines 10-12, "an event of the packet-switched network multimedia phone call function with an opposite party of the packet-switched network multimedia phone call function" is unclear. It is unclear of what being referred to as opposite party of the packet-switched network multimedia phone call function.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 3, 28, 30, 32, and 35 are rejected under 35 U.S.C. 102(e) as being anticipated by Buhler et al (US Patent No. 6,404,741 B1).

With respect to claims 3, 28, 30, 32, and 35, Buhler discloses in Fig. 1, a functional diagram illustrating the interconnection between various components used in packet telephony network comprising packet network 120, packet telephony device 100, and control device 130 (controlling a packet-switched phone controller that is directly communicably connectable on a packet switched network with a packet-switched phone via packet-switched input/output interfaces). Buhler discloses (col. 4, lines 19-25) that network server 150 can retrieve information and apply control operations to the packet telephony device, which can be accomplished either directly between network server 150 and the packet telephony device 100 or via control device 130. In order to apply control operations, the control information can be either entered manually by a network operator or automatically programmed (based on instruction from a user). Buhler discloses (col. 6, lines 4-9) that the packet telephony device reports status information to the control device (response to the control command) and receives control commands from the control device. Herein, the control commands are telephony related commands such as call directing, message retrieving, etc ... (generating and transmitting the

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control command including an instruction related to a packet-switched network multimedia phone call function on the packet-switched network and related to a packet-switched phone function control the packet-switched phone to the packet-switched phone). Buhler discloses in Fig. 2A, the control device includes a control data store (a control target list storing information relating to a predetermined packet-switched multimedia phone).

***Allowable Subject Matter***

4. Claims 1-2, 4-27, 29, 31, 33-34, 36, and 37 are allowed.

The following is an examiner's statement of reasons for allowance:

The prior art does not teach or fairly suggest sending from the packet-switched phone controller to the packet-switched phone a control command for a packet-switched network phone call function on the packet-switched network and a packet-switched phone function control command and controlling from the packet-switched phone, the packet-switched network phone call function with another packet-switched phone on the packet-switched network and the packet-switched phone function, according to the call function control command and the packet-switched phone function control command from the packet-switched phone controller, as specified in independent claims 1-2, 4-6, 29, 31, and 33.

The prior art does not teach or fairly suggest a terminal controller transmitting, based on an instruction from a terminal user, a multimedia phone communication control command and a control command that instructs a predetermined multimedia phone communication processing according to a state of the multimedia phone communication and the detected state of the packet-switched phone user and a phone controller performing, based on the multimedia phone communication control command from the information terminal, the multimedia phone

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communication with another packet-switched phone on the packet switched network; and transmitting a control command that reports the state of the multimedia phone communication with the other packet-switched phone to the information terminal, as specified in independent claim 11.

The prior art does not teach or fairly suggest a terminal controller transmitting, based on an instruction from a terminal user, a multimedia phone communication control command and a control command that instructs a predetermined multimedia phone communication processing according to a state of the multimedia phone communication and a phone controller transmitting a control command, that reports the state of the multimedia phone communication, to the information terminal and performing the multimedia phone communication with another packet-switched phone on the packet switched network according to the multimedia phone communication control command having a highest priority from among a plurality of multimedia phone communication control commands transmitted from the information terminal in response to the multimedia phone communication state control command reporting of the multimedia phone communication state by the phone controller, as specified in independent claim 18.

The prior art does not teach or fairly suggest a terminal controller transmitting, based on an instruction from a terminal user, a multimedia phone communication control command and a recorded message information retrieval control command, to one of the packet-switched phone; a phone controller performing, based on the multimedia phone communication control command received from the information terminal, the multimedia phone communication with another packet-switched phone on the packet switched network, and transmitting, based on the recorded message information retrieval control command, a control command including the recorded

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message information stored in the data storage of the packet-switched phone to the information terminal, as specified in independent claims 19-21.

The prior art does not teach or fairly suggest a terminal controller transmitting, based on an instruction from a terminal user, a multimedia phone communication control command and a communication log retrieval control command, to one of the packet-switched phone; a phone controller performing, based on the multimedia phone communication control command received from the information terminal, the multimedia phone communication with another packet-switched phone on the packet switched network, and transmitting, based on the communication log retrieval control command, the retrieved communication log control command that includes the communication log stored in the data storage of the packet switched phone to the information terminal, as specified in independent claim 22.

The prior art does not teach or fairly suggest a terminal controller transmitting, based on an instruction from a terminal user, a multimedia phone communication control command and a message storage control command, to one of the packet-switched phone; a phone controller performing, based on the multimedia phone communication control command received from the information terminal, the multimedia phone communication with another packet-switched phone on the packet switched network, and storing, based on the message storage control command, the message in the data storage, and reporting storage of the stored message to the other packet-switched phone, as specified in independent claim 23.

The prior art does not teach or fairly suggest a terminal controller transmitting, based on an instruction from a terminal user, a multimedia phone communication control command and a forward destination setting control command, to one of the packet-switched phone; a phone

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controller performing, based on the multimedia phone communication control command received from the information terminal, the multimedia phone communication with another packet-switched phone on the packet switched network, storing, based on forward destination setting control command, the forwarding destination setting in the data storage of the packet switched phone, and reporting storage the forwarding destination setting to the other packet-switched phone in a predetermined case, as specified in independent claim 24.

The prior art does not teach or fairly suggest the information terminal comprising a processing table that associates an input unit of a packet switched phone with a predetermined processing; a terminal controller transmitting, based on an instruction from a terminal user, a multimedia phone communication control command, and referencing the processing table based on an input occurrence report control command, and performing a processing corresponding to the input unit with the input occurrence; a phone controller performing, based on the multimedia phone communication control command received from the information terminal, the multimedia phone communication with another packet-switched phone on the packet switched network, and transmitting the input occurrence report control command, based upon an input to the input unit, to the information terminal, as specified in independent claim 26.

The prior art does not teach or fairly suggest a terminal controller transmitting, based on an instruction from a terminal user, a multimedia phone communication control command and authentication information; a phone controller performing, based on the multimedia phone communication control command received from the information terminal, the multimedia phone communication with another packet-switched phone on the packet switched network; and comparing authentication information included in the multimedia phone communication control

command and the authentication information of the terminal list to authenticate the information terminal, as specified in independent claim 27.

The prior art does not teach or fairly suggest generating by the packet-switched phone a response to a packet-switched network multimedia phone call function control command and a packet-switched phone function control command from the packet-switched phone controller; and/or an event of the packet switched network multimedia phone call function with an opposite party of the packet-switched network multimedia phone call function; and controlling from the packet-switched phone controller, a packet switched network multimedia phone call function and the packet-switched phone function according to the reporting and/or the generated event from the packet-switched phone, as specified in independent claims 34, 36, and 37.

#### ***Response to Arguments***

5. Applicant's arguments with respect to claims 1-37 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Conclusion***

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37


CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anh-Vu H Ly whose telephone number is 571-272-3175. The examiner can normally be reached on Monday-Friday 7:00am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham can be reached on 571-272-3179. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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